

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>CANDICE Y. CARLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No.:</b>
<b>v.</b>	)	<b>1:16-cv-02184-CC-LTW</b>
	)	
<b>SETERUS, INC.</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER DENYING PLAINTIFF’S MOTION FOR TEMPORARY  
RESTRAINING ORDER AND MOTION FOR EMERGENCY  
TEMPORARY RESTRAINING ORDER**

This matter is before the Court on Plaintiff Candice Y. Carley’s Motion for Temporary Restraining Order [Doc. No. 11] and Motion for Emergency Temporary Restraining Order [Doc. No. 13].

Plaintiff seeks to enjoin the foreclosure sale of the subject property at 4757 Cheviot Way, Smyrna, Georgia. A plaintiff requesting a temporary restraining order must establish that: (1) there is a substantial likelihood of success on the merits; (2) irreparable injury will be suffered if relief is not granted as there is no adequate remedy at law; (3) the threatened injury outweighs any harm relief would inflict on the non-movant; and (4) the entry of the requested relief would serve the public interest. Fed. R. Civ. P. 65; *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d

1223, 1225-26 (11th Cir. 2005); *Cataldi v. New York Cmty. Bank*, 1:13-cv-3972-RWS, 2014 WL 359954, at \*1-2 (N.D. Ga. Feb. 3, 2014).

The Court has reviewed Plaintiff's Motions and Complaint, Defendant's Oppositions and pending Motion to Dismiss the Complaint, and heard the arguments of Plaintiff and Defendant's counsel. Plaintiff has not established a substantial likelihood of success on the merits or the necessary elements to be awarded injunctive relief.

IT IS **HEREBY ORDERED AND ADJUDGED** that both Plaintiff's Motion for Temporary Restraining Order [Doc. No. 11] and Emergency Motion for Temporary Restraining Order [Doc. No. 13] are **DENIED**.

SO ORDERED this 5th day of December, 2016.

s/ CLARENCE COOPER  
**CLARENCE COOPER**  
Senior United States District Judge